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NASA Procedural Requirements

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Request Notification of Change

(NASA Only)

Subject: Appointment of Personnel To/From NASA

Responsible Office: Office of Human Capital Management

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Chapter 5. Appointment of Foreign Nationals

5.1 Responsibility

5.1.1 Requests to appoint foreign nationals shall be forwarded to the Administrator through the Assistant Administrator for the Office of Human Capital Management.

5.1.2 The Administrator's approval is required before initiating paperwork to the United States Citizenship and Immigration Services (USCIS) of the Department of Homeland Security (formerly the Immigration and Naturalization Service).

5.2 Introduction

5.2.1 NASA may appoint foreign nationals having special qualifications in the fields of aeronautical and space research as determined by the Administrator to be necessary and in the public interest.

5.3 Qualification Requirements

5.3.1 For permanent or nonpermanent employment, foreign nationals must, at a minimum, meet all other qualification standards for the position being filled. For employment as an expert or consultant, foreign nationals must possess qualifications that exceed those prescribed for comparable work in the competitive service or be otherwise eminently qualified for the specific position.

5.4 Appointment Procedures

5.4.1 For permanent employment. Any request for approval to appoint a foreign national must contain a brief description of the duties of the position and full justification for the proposed employment, including the following:

5.4.1.1 The functional and organizational titles of the position, as well as grade level or rate of compensation.

5.4.1.2 The organizational and geographical locations of the position.

5.4.1.3 A description of the prospective appointee's special skills and qualifications.

5.4.1.4 The resident status and type of visa of the foreign national (and spouse and children, if applicable) as established by the appropriate USCIS Office.

5.4.1.5 A completed resume (signed by the applicant).

5.4.1.6 A position description.

5.4.2 For nonpermanent employment. Any request for approval to appoint a foreign national shall contain a brief description of the duties of the position and full justification for the proposed employment, including the following:

5.4.2.1 The functional and organizational titles of the position, as well as grade level or rate of compensation.

5.4.2.2 The organizational and geographical locations of the position.

5.4.2.3 A description of the prospective appointee's qualifications (special qualifications, if appointment is to an expert or consultant position).

5.4.2.4 The resident status and type of visa of the foreign national (and spouse and children, if applicable) as established by the appropriate USCIS Office.

5.4.2.5 A completed resume (signed by the applicant).

5.4.2.6 If appropriate, NASA Form 452, Request for Services of Consultant or Expert, which shall include a description of duties.

5.4.3 Documentation to meet special security requirements. All requests for approval to appoint foreign nationals shall also include the following:

5.4.3.1 A statement signed and dated by the foreign national applicant indicating whether he/she has formally declared intent to become a U.S. citizen and, if not, his/her intent to become a citizen if employed by NASA (this is not required of foreign nationals considered for nonpermanent employment except in those positions requiring access to classified information); and whether the foreign national or spouse has any relatives residing in Designated Countries, as determined by the U.S. export control regulations, and, if so, the name, relationship, age, address, occupation, and description of the nature and extent of contact with each such relative. A Designated Country is any country that meets any one or more of the following criteria: country with which the U.S. has no diplomatic relations; country determined by the Department of State to support terrorism; country under sanction or embargo by the U.S.; country of missile technology concern. For the most up-to-date information pertaining to the Designated Country list, contact the Center Export Control Administrator for further guidance.

5.4.3.2 A Memorandum for Record from the Center's Security Officer reflecting the level of access to classified information, as established by the appropriate supervisory official,

which shall be required by foreign nationals in performance of duties or a statement that the foreign national shall be assigned to duties which do not involve access to classified information, and that such access can be effectively precluded. The memorandum shall also indicate that the required security documentation has been reviewed, is adequate and complete, and that there are no apparent factors which would preclude granting access.

5.4.3.3 Visa Reclassification. Foreign nationals offered employment must be legally admitted to the U.S. for permanent residence or otherwise authorized by the USCIS to be employed. Foreign nationals who do not need a valid Alien Registration Receipt Card (green card), Form I-551, may be sponsored for visa reclassification by NASA. The requesting Center shall forward (after the Administrator's approval) USCIS Form I-140, Immigrant Petition for Alien Worker, and required documentation to the USCIS Service Center with jurisdiction over the location where the foreign national will be employed.

5.4.3.4 Waiver of Residence Abroad Requirements (two-year foreign residence requirements). If it is necessary to obtain this waiver for a foreign national in the United States on the J-1 Exchange Visitor Program, the Center shall follow the policies and procedures in NPD 1371.G, Waivers of the Residence Abroad Requirement for Employees of NASA Contractors and Grantees, and NPR 1371.1, Requests for Waivers of the Residence Abroad Requirements for Exchange Visitors Sponsored by NASA Contractors and Grantees.

5.4.3.5 Submission of Request. After approval and signature of the Center Director, the request for approval to appoint a foreign national and all supporting documentation shall be sent through the appropriate Headquarters executive, the Assistant Administrator for the Office of Human Capital Management, the Assistant Administrator for the Office of External Relations, and the General Counsel, NASA Headquarters, for approval by the Administrator.

5.4.3.6 Transportation. When the transportation of the appointee and dependents and shipment of household goods to the first duty station are authorized under 5 U.S.C. 5723, the appointee shall execute NASA Form 420, Service Agreement - First Duty Station Appointment.

5.4.3.7 Change in Citizenship. The Center shall provide a written notice to the foreign national, on or before the date of appointment, indicating the foreign national's responsibility to notify the Center HR office immediately of any changes in visa or citizenship status. The written notice shall inform the foreign national that he/she must submit the naturalization data to the Center HR office within ten days after the foreign national becomes a U.S. citizen. Upon notification of a change in citizenship status, the Center shall:

- a. Initiate action to convert the employee from an excepted to a competitive appointment.
- b. Submit to the Assistant Administrator for Human Capital Management (within ten days) the foreign national's naturalization certificate number, the effective date, and the name and location of the court. This information shall also be provided to the Center's Security Officer.

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